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16 **UNITED STATES DISTRICT COURT**  
17 **EASTERN DISTRICT OF CALIFORNIA**

18  
19 UNITED STATES OF AMERICA,

20 Plaintiff,

21 v.  
22 CHRISTOPHER PATTERSON,

23 Defendant.

24 Case No: 1:20-cr-00107 ADA/BAM

25 **STIPULATION TO CONTINUE FEBRUARY 13,**  
26 **2023 CHANGE OF PLEA HEARING TO APRIL**  
17, 2023; ORDER

18 Ctrm: 1  
19 Date: April 17, 2023  
20 Time: 8:30 am

21 Hon. Ana de Alba

22  
23 **STIPULATION**

24 THE PARTIES HEREBY STIPULATE, through their respective counsel, Assistant United  
25 States Attorney, Brian W. Enos, on behalf of the government, and David A. Torres, Esq., on behalf of  
26 defendant Christopher Patterson (“Patterson”), that this action’s February 13, 2023 change of plea  
hearing be continued to Monday, April 17, 2023, at 8:30 am and in Courtroom 1.

27 The parties base this stipulation on good cause and therefore ask the court to endorse this  
28 stipulation by way of formal order. Specifically,

27 1. In December 2022, and after extensive negotiations and thorough analyses of the

1 evidence underlying this case, the parties tentatively reached an agreement resolving it in  
2 advance of trial. A plea agreement had been delivered to the defense, and the parties  
3 stipulated to vacating a December 14, 2022 status conference and setting a February 13,  
4 2023 change of plea hearing before Courtroom 1. Dkt. 48. The court endorsed the  
5 parties' stipulation by way of formal order. Dkt. 49.

6 2. Since the setting of the change of plea hearing, defense counsel met with Mr. Patterson to  
7 review the terms of the government's written plea offer in detail prior to signing. As part  
8 of this meeting, Mr. Patterson raised a single issue with defense counsel that related to  
9 one component of the sentencing guidelines calculations contained therein. Defense  
10 counsel and counsel for the government have since discussed this issue, and pursuant to  
11 the same government counsel agreed to re-visit the electronic evidence in this case, with  
12 the government's lead agent, at HSI's offices in Bakersfield.

13 3. The parties have since compared respective calendars and met and conferred about  
14 available dates wherein they could both appear at a continued change of plea hearing.  
15 Defense counsel is currently in a jury trial in state court that is scheduled to continue  
16 through the middle of March 2023 (*People v. Pierce, et al.*, Kern County Superior Court,  
17 Case No. BF179192). The parties have nevertheless also cleared potential hearing dates  
18 with chambers of Courtroom 1. In light of these efforts, the parties and district court are  
19 all available for a continued change of plea hearing to take place on Monday, April 17,  
20 2023 (8:30am). In light of these efforts, the parties ask the court to endorse their  
21 stipulation to continue the February 13, 2023 change of plea hearing to April 17, 2023.

22 4. The parties therefore stipulate that the period of time from February 13, 2023 through  
23 April 17, 2023 is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and  
24 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at the  
25 parties' request on the basis of the Court's finding that the ends of justice served by  
26 taking such action outweigh the best interest of the public and the defendant in a speedy  
27 trial.

5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: February 7, 2023

PHILLIP A. TALBERT  
United States Attorney

By: /s/ Brian W. Enos  
Brian W. Enos  
Assistant United States Attorney

(As authorized 2/7/23)

Dated: February 7, 2023

By: /s/ David A. Torres, Esq.  
David A. Torres, Esq.  
Attorney for Defendant  
Christopher Patterson

## ORDER

IT IS ORDERED that the February 13, 2023 change of plea hearing is continued to Monday, April 17, 2023, at 8:30 am and in Courtroom 1.

IT IS FURTHER ORDERED THAT the period of time from February 13, 2023 through April 17, 2023 is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

Dated: February 9, 2023

UNITED STATES DISTRICT JUDGE